

REMARKS

Claims 1-31 are pending in the current application. Claims 1, 3-7, and 15-21 are amended. Claims 2 and 8-14 are canceled. Claims 22-31 are new claims.

Claim Rejections – 35 U.S.C. § 101

Claims 1-17 are rejected under 35 U.S.C. § 101 as being directed to a recording medium storing nonfunctional descriptive material. Applicants respectfully traverse this art grounds of rejection.

Applicants respectfully submit that the Examiner has incorrectly characterized the recording medium as storing **nonfunctional** descriptive material. The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following.

In this context, “function descriptive material” consists of **data structures** and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data. (emphasis added).

Accordingly, Applicants respectfully submit that a “a computer-readable medium having a data structure for managing reproduction of at least multiple reproduction path video data recorded on the computer-readable medium” as recited in independent claim 1 is a recording medium storing **functional** descriptive material.

MPEP §2106.01(I) further states, regarding **functional** descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and

functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." Accordingly, because the computer readable medium recited in claim 1 includes a data structure having a management area, which provides path change information for managing reproduction of video data in a data area of the computer readable medium, claim 1 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claim 1, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7 and 18-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sato et al. (US 5,884,004, hereinafter Sato). Applicants respectfully traverse this art grounds of rejection.

In order for a claim to be anticipated by 35 U.S.C. § 102 the cited prior art must teach every element of a claim. MPEP 2131. Sato, as cited by the Examiner does not anticipate amended independent claim 1.

Claim 1 has been amended to include the limitations of claim 8 (now cancelled). As admitted by the Examiner on page 6, paragraph 2, the subject matter of claim 8 is not taught by Sato; therefore amended claim 1 is not anticipated by Sato.

For this reason we respectfully request the 102(b) rejection be withdrawn for claim 1 and all claims which depend thereon.

For similar reasons, we request that the 102(b) rejection for independent claims 18, 19, 20, and 21 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 8-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Sawabe et al. (US 6,031,962, hereinafter Sawabe). Applicants respectfully traverse this art grounds of rejection.

As discussed above, claim 1 has been amended to include the subject matter of claim 8. Furthermore, as recognized by the Examiner, Sato fails to disclose or suggest the subject matter of claims 8. However, the Examiner contends that the subject matter of claim 8 is taught by Sawabe. As show in Figure 17 of Sato and Figures 6-7 of Sawabe, certain management information is embedded in the video data stream recorded on the recording medium. In particular, certain management information is recorded in the form of a navigation pack embedded in the video data stream.

By contrast, claim 1 requires that the path information recited therein is recorded in a management area which is “separate from a data area storing the video data.” Neither Sato nor Sawabe teach separate data and management areas as recited in claim 1. Therefore even if combined, the resulting combination of Sato in view of Sawabe cannot disclose or suggest the separate management area of claim 1 storing the path change information recited in claim 1.

In view of the above, claim 1 is not rendered obvious towards the art by Sato in view of Sawabe. The claims dependent upon claim 1 are patentable for at least stated above with respect to claim 1.

Furthermore, independent claims 18-21 include similar limitations to those discussed above with respect to claim 1, and are patentable for at least the reasons stated above with respect to claim 1.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-21 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

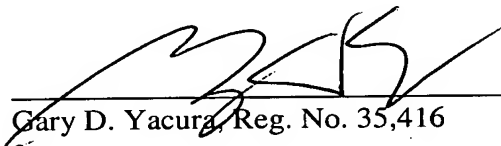
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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